

INTERNATIONAL CITY MANAGERS' ASSOCIATION
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GRANTING SICK LEAVE WITH PAY

What is the general practice and trend with regard to sick leave regulations for city employees and how can such leaves best be controlled?

City employees should be allowed a fair amount of leave with pay for unavoidable absence from work on account of illness. Such leave protects the employee from endangering his health and that of his fellow workers. The reasons commonly specified for granting sick leave are illness, exposure to contagious disease, attendance upon a member of the immediate family who is seriously ill, and a death in the family. Most cities grant sick leave with pay and there is a trend toward the adoption of definite service-wide sick leave regulations so that all employees are given equal treatment. Definite sick leave rules provide the city with a basis for proper supervision and regulation of the sick leave privilege. Officials also must protect the city against loss of time occasioned by a few employees who without justification automatically take the maximum amount of time allowed.

General Practice. Sick leave policies in cities compare favorably with the more liberal practices in private industry. A study of sick leave provisions in 5,000 union agreements, made by the United States Department of Labor as of December, 1944, shows that only 350 provided sick leave with pay. Among the cities over 10,000 more than one-half have made definite provision for sick leave, according to the 1947 Municipal Year Book, the median sick leave allowance for 480 cities being 12 days for administrative and clerical employees. Nearly 400 cities grant sick leave with pay to unskilled laborers, the median being 12 days. For police and fire departments the median sick leave allowance is 15 days.

The general practice of cities throughout the United States may be briefly summarized as follows: (1) sick leave with pay is normally granted only to permanent, regular employees; (2) sick leave is generally provided for by a rule of the personnel department or civil service commission, although in the absence of a central personnel agency the subject may be dealt with by ordinance or administrative regulation of the chief administrator; (3) the amount of leave permitted annually varies, but is usually either at the rate of one day for each calendar month of service (12 days per year) or at the rate of one and one-half working days for each calendar month of service (18 days per year); and (4) the unused portion of such leave is usually cumulative up to either 60 days when the rate of one working day for each calendar month is used or 90 days when the rate of one and one-half days for each calendar month is used.

Among the cities which have adopted comprehensive sick leave regulations for municipal employees in recent years are Seattle and Tacoma, Washington, 1943; San Mateo, California, 1943; Painesville, Ohio, 1946; Albert Lea, Minnesota, 1947; Saginaw, Michigan, revised 1943; Wichita, Kansas, 1945; and Rochester, New York, 1947. The sick leave rules of several of these cities are reproduced at the end of this report.

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Initial Sick Leave. When a sick leave plan is first put into effect some provision usually is made for sick leave during the first year. A very liberal plan was adopted by Wichita, Kansas, when a new sick leave policy was put into effect on January 1, 1945. All employees started with full accumulated sick leave with no reduction for any sick leave used prior to January 1. For example, an employee who had worked for the city for a period of three years and six months had 42 days of accumulated sick leave as of January 1, 1945. When Seattle adopted a sick leave ordinance in 1943 an initial credit of three days for each year of prior service was granted. In Albert Lea, Minnesota, the sick leave rules which went into effect on January 1, 1947, credited each employee with three days of sick leave regardless of length of service.

Special Problems. Some of the special problems on which local policy should be determined in preparing sick leave rules are mentioned here briefly. When an employee off duty on a paid vacation or accumulated overtime wishes to charge some of such absence to his sick leave account, because of an actual nonservice-connected disability, he should be required to notify his superior and meet the other requirements regarding sick leave. In such cases the city may require a certificate from a physician the first day.

In cases where it is needed, some cities permit sick leave to be taken in excess of the amount accumulated and up to the amount which would accrue up to the end of the year while others like Seattle do not allow sick leave with pay before it is accumulated. A common practice in such cases is to allow the employee to apply additional leave against his annual vacation leave, but this should be optional with the employee. But sick leave should not be allowed to be taken as vacation leave. For example, one large city allows two weeks annual vacation and two weeks sick leave; unused sick leave in one year may be taken as additional vacation leave the next year. This plan is not sound because it ignores the purpose of sick leave.

There is no uniformity with regard to sick leave for a death in the family. In three cities, for example, such leave is not charged against sick leave. Albert Lea requires that such leave must be made up. Saginaw classifies such leave as emergency leave (not as sick leave) and in the case of regular full-time employees on an annual pay basis grants leave with pay not to exceed three days in case of death in the immediate family. Wichita also classes such leave as an emergency leave, and allows leave of absence with pay not to exceed three days; this may be extended to one week when it is necessary for the employee to go outside of the city. San Mateo, on the other hand, classifies such absence as sick leave.

Some cities like Albert Lea allow sick leave with pay for ordinary professional treatment by a dentist or oculist, while in Seattle sick leave with pay is not allowed for such absences. The Seattle rules also provide that sick leave with pay will not be allowed "in cases in which the disability is self-imposed by bad habits or malicious contributing actions or where disability is notably feigned". The personnel officer should carefully explain the purpose of sick leave to any employee who abuses the privilege and any worker who persists in such abuses should be discharged.

Disability Leave. Sick leave rules apply to employees who are off work because of accidents not incurred in line of duty. But employees who are absent from work because of injuries incurred in line of duty are not classified as being on sick leave. In such cases special provisions apply, including detailed reports on the injury and in the larger cities an investigation by a committee composed of the city attorney, health director, and

head of the department concerned. The committee may make an investigation every 30 days or oftener and recommend the length of time the city should continue to pay full salary in individual cases. Many cities provide that compensation may not be continued longer than six months, one year, or other specified time.

Such leave in many states is related to workmen's compensation. In Wichita, Kansas, for example, any employee injured on the job receives full salary from the city for the first 30 days plus certain medical and hospital expenses. Thereafter the benefits are in accordance with the provisions of the state workmen's compensation act. Regular firemen and policemen in Wichita who suffer any disability by virtue of an accident arising out of and in the course of employment are entitled to full pay for the first 90 days and 60 per cent of full pay for an additional 90 days.

Amount of Sick Leave Taken. Statistical studies have shown that an average of four to six days sick leave per employee per year is common, and anything much in excess of this might be worth an investigation. Most employees do not abuse their sick leave privilege. An analysis by Fire Engineering magazine of the percentage of fire department man days lost because of illness over a 12-month period in 1942-43 showed a loss of less than 2 per cent in each of 46 cities, from 2 to 5 per cent in 20 cities, and from 5 to 10 per cent in five cities. The 335 city employees in Teaneck, New Jersey, took an average of 6.3 days sick leave in each of the three years, 1941 to 1943. The 33 firemen averaged about two days per year for sick leave which was the lowest average, while 30 laborers in the public works department averaged more than 10 days per year. Police were next to public works employees with slightly over eight days off per year for sick leave.

The average loss of time for sickness in the entire classified service of Milwaukee County, Wisconsin, from 1930 to 1934 was 2.54 days per year for males and 4.11 days per year for females. In Saginaw, Michigan, where a 10-day-per-year sick leave provision applies to all employees, the average number of days sick leave taken during the year 1945-46 by city hall employees was 3.7 days, by firemen 4.7 days, by police 5 days, and by the laborers 6.2 days per year. Sixteen per cent of the policemen and laborers, 27 per cent of the city hall employees, and 31 per cent of the firemen took no sick leave at all during 1945-46. Approximately 18 per cent of all city employees have accumulated the maximum of 60 days sick leave.

Control of Sick Leave. The chief difficulty with a sick leave allowance program lies in the elimination of its abuse by some of the employees. Requiring a doctor's certificate for an absence of more than three days does not entirely eliminate abuses since employees who are so minded can take leave for short periods--less than that for which a doctor's certificate is required. Several cities have found that the employment of a staff physician or nurse to visit the homes of absent employees and report on their illness gives effective control over sick leave, although some people feel that this procedure is expensive and unnecessarily inquisitorial in the absence of obvious abuses.

Sometimes as in the case of firemen and policemen it is extremely difficult to determine whether incapacity has been caused by on-duty or off-duty accidents. Most officers advise their men to report every injury

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received in the line of duty, no matter how slight, and they give every possible concession in case of doubt because of the hazardous nature of fire and police work; at the same time they insist upon adequate medical supervision to protect the city against shirkers. Another way is to require employees who have been on sick leave to submit to a physical check-up by a physician or nurse before returning to duty and thus make sure that the returning employee is physically fit for work as well as to determine whether or not the employee has abused the sick leave privilege.

A good system of controlling sick leave is the plan used by the city of Sacramento, California. Fifteen days sick leave is allowed the first year of employment and an increment of three additional days per year of service with provision for accumulation of a reserve. During the first several years after the plan was adopted the conscientious employees were resentful because a number of malingerers used up their sick leave benefits like vacations. The requirement that absences of over one week must be accompanied by a medical report was ineffective in reducing intentional absences. The city then adopted a plan under which the names of employees reported sick are sent to the city manager's office by 10:00 o'clock on the same morning the reports are received. The assistant city manager notifies the visiting nurse who makes a house call the same day on each. In the afternoon the nurse makes a telephone report to the manager's office and employees found malingering are taken off the payroll. The decision of the nurse is final if the employee is at home; if not at home the employee must present proof that his illness is bona fide.

The first six months of operation under this procedure resulted in a reduction of 36 per cent in sick leave costs, largely from a reduction of unnecessary sick leaves and not from cases of malingering detected. In the first six months only six cases of actual malingering were discovered. In addition there were about 20 cases where the employee was not at home when the nurse called. This policy discouraged employees from taking unnecessary sick leave and changed their attitude to considering sick leave as a protection in case of need and not a benefit to be used whenever wanted. The nurse works part time about six hours a day. She averages 15 calls a day in the winter and 10 in the summer.

The visiting nurse does not take the place of the employee's regular physician. In some cases she may suggest a simple remedy where the case does not warrant the calling of a private physician. The calls are an additional protection to the employee, because the nurse may recognize a serious condition and recommend that the employee call his own physician, when the employee may not have realized the seriousness of his ailment. The nurse follows the criterion that if the employee is home and tells a plausible story, it is generally accepted; but if the story does not ring true, or if there are signs of nervousness or evidence of alcoholism, the story is questioned and investigated further. The employees do not seem to resent the nurse's visit.

Reports and Records. Department heads or persons authorized by him should be required to make out employee absence reports for all employees absent from work each day and to forward the report to the personnel officer before noon. The report should give the cause for each absence and other required information. The return of an employee to duty also should be reported to the personnel officer. Theoretically the form requesting sick leave should be made out before the employee takes such leave, but often this is not possible. Therefore the request for sick leave is usually made out when the employee returns to work. It ought to be approved by the department head, by

the employee's immediate supervisor if the department head so desires, and by the city manager if necessary.

In Saginaw, Michigan, the sick leave form is sent to the personnel officer who determines whether the employee is entitled to the leave and for checking on the amount of leave remaining. A carbon of the form is returned to the employee via his department head so that both will know how much sick leave is still available. If a doctor's certificate is needed the back side of the original form is used. The original is kept by the personnel officer in the employee's personnel folder until the end of the year. The amount of leave taken is recorded on the employee's service record card (for such a record card see MIS Report No. 23, August, 1946). Note: Upon request MIS will supply a copy of a typical sick leave request form.

The appointing authority or department head who fails to report the absence of an employee from duty and thus enables the employee to receive pay in excess of the amount to which he is legally entitled should be held liable to the city for the amount illegally paid. All absence records should be kept by the personnel agency for review to determine whether the sick leave privilege is being abused by individuals or by certain groups of employees. Such records may be used later not only when employees apply for pensions and claim previous injury in line of duty, but also in the matter of promotional examinations.

Suggested Sick Leave Rules

The following draft of a sick leave regulation, prepared by the Civil Service Assembly of the United States and Canada, is designed to apply to all municipal employees paid on a weekly, monthly, or annual basis and who are appointed as a result of civil service procedures to permanent positions:

1. Sick leave with pay shall accrue at the rate of one and one-half working days of leave for each full calendar month of the employee's service, and any such leave accrued but unused in any year shall be accumulative for succeeding years up to a maximum of 90 working days. Employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regularly prescribed rate during such absence.
2. An employee eligible for sick leave with pay shall be granted such leave for the following reasons: (a) personal illness or physical incapacity resulting from causes beyond the employee's control; (b) the illness of a member of the employee's household that requires the employee's personal care and attention; (c) enforced quarantine of the employee in accordance with community health regulations; or (d) the death of a member of the employee's immediate family. An employee on sick leave shall inform his immediate superior of the fact and the reason therefor as soon as possible, and failure to do so within a reasonable time may be cause for denial of sick leave with pay for the period of absence.
3. An employee receiving sick leave with pay who simultaneously receives compensation under workman's compensation laws or through a sick benefit plan financed in whole or part by his employer shall receive, for the duration of such compensation, only that portion of his regular salary which will, together with said compensation, equal his regular salary.

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4. Absence for a fraction or a part of a day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount not smaller than one-quarter of a day.

5. Sick leave with pay in excess of three consecutive working days for reasons of personal illness or physical incapacity shall be granted only after presentation of a written statement by a reputable physician certifying that the employee's condition prevented him from performing the duties of his position. Appropriate forms for such a statement will be furnished by the personnel department.

6. Wherever circumstances require, and with the approval of the department head, sick leave may be taken in advance of accrual up to a maximum of 12 working days; provided that any employee separated from the service who has been granted sick leave that is unaccrued at the time of such separation shall reimburse the department for all salary paid in connection with such unaccrued leave.

7. An employee who is laid off from his position for reasons that are not discreditable to him may, if reappointed within 12 months, have available for his necessary use any unused sick leave existing at the time of his lay-off. When an employee is transferred to another position, any unused sick leave which may have accumulated to his credit shall continue to be available for his use as necessary.

Sick Leave Rules of Selected Cities

The sick leave regulations reproduced below, together with the suggested rules set forth above, may be helpful to the officials of cities that have not yet adopted such regulations.

Albert Lea, Minnesota (adopted 1947): Sick leave shall be leave taken on account of sickness of the employee or of any member of his immediate household. It may be taken by employees to meet dental appointments and to take physical examinations or other sickness prevention measures. When an employee finds it necessary to take sick leave he shall report or cause to be reported the fact to his immediate superior within four (4) hours from the time he is expected to report for work. Sick leave shall not be granted unless such report has been made and the department head has so indicated on proper form.

Sick leave shall be accumulated monthly at the rate of one working day of sick leave for each full calendar month worked, in the case of full-time monthly employees (employees entering on duty or terminating their services during a calendar month shall be credited with a full month if they have worked 16 days or more, or the equivalent number of hours); and eight (8) hours of sick leave for each 185 hours worked, (or on vacation or sick leave) in the case of hourly employees. Sick leave may be accumulated to a total of not more than 60 working days.

Approval of sick leave taken by an employee shall be requested in writing immediately upon the employee's return to work, on the prescribed "Request for Sick Leave" form. If sick leave requested is for less than three (3) consecutive days for employee shall certify and the city manager may approve

the request on the recommendation of the department head. If sick leave is requested for more than three consecutive days, such sick leave shall be certified by the employee but will not be approved unless a doctor's certificate is executed on the "Request for Sick Leave" form. Sick leave shall be charged against employees in not less than half day units.

Employees may be granted leave of absence with pay to attend funerals for members of their immediate families, or other persons, at the discretion of their department heads. Such leave shall not be charged against vacation or sick leave but shall be made up without pay by the employee within 60 days of the leave taken.

Wichita, Kansas (as revised 1945): All employees of the city, except temporary--part time employees, may be allowed leave with pay, on account of illness or injury otherwise than in the line of duty, according to the following provisions.

1. Sick leave with pay shall accrue at the rate of one working day of leave for each full calendar month of the employee's service, and any such leave accrued but unused in any year shall be cumulative for succeeding years up to a maximum of 90 working days. Sick leave used shall be deducted from the accrued leave. Thus an employee with an accrued sick leave of 90 days who used six sick leave days, will have 84 days of sick leave left. However, employees who are granted a leave of absence with pay for any purpose shall continue to accrue sick leave at the regularly prescribed rate during such absence.

2. An employee eligible for sick leave with pay shall be granted such leave for (1) personal illness or physical incapacity, (2) enforced quarantine of the employee in accordance with community health regulations, or (3) sickness in the immediate family when approved by the department or division head.

3. Absence for a part of a day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount not smaller than one-half of a day.

4. Procedure in Case of Sickness: employee must promptly notify his office or immediate superior by telephone or messenger. This information is transmitted to the department director or division head. If the absence is of more than seven days, a certification of the city physician or some reliable physician must be filled with the personnel director before the salary for the period of leave will be paid. This certification must state the kind and nature of the sickness or injury and that the employee has been incapacitated for work such said period of absence. When the absence exceeds 15 days, a new certificate must be filed with the personnel director every 15 days.

San Mateo, California (1943): 1. Officers and employees shall be entitled to one day sick leave with pay for each calendar month of service. At the beginning of each year thereafter each officer and employee shall be entitled to 12 days sick leave which may be used at any time during that year. If any officer or employee does not take the full amount of sick leave allowed in any calendar year, the amount not taken may be accumulated from year to year to a total of sixty calendar days. Such an accumulation may be used under the condition specified above when required. Officers and employees who are in the service of the city at the

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time this rule takes effect shall be entitled to an accumulation of the number of calendar days shown on the following table, provided that such an accumulation shall not exceed sixty calendar days of sick leave:

20 years of service or over--	60	calendar days allowed
Over 15 but less than 20----	50	" " "
Over 10 " " " 15----	40	" " "
Over 5 " " " 10----	30	" " "
Over 2 " " " 5----	20	" " "
Over 1 " " " 2----	12	" " "
Under 1 year.....	-----	1 day per month

2. Sick leave is hereby defined to mean the absence from duty of an officer or an employee because of illness, exposure to contagious disease, attendance upon a member of his immediate family seriously ill and requiring the care or attendance of such officer or employee, or death in the immediate family of the officer or employee.

3. Immediate family is defined to mean husband, wife, grandmother, grandfather, mother, father, sister, brother, son, daughter, or providing he or she lives in same household, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law.

4. Computation of sick leave shall not include regular days off or holidays provided these are not in conflict with the established work schedule within each department.

5. No person shall be entitled to sick leave with pay while absent from duty on account of any of the following causes: (a) Disability arising from any sickness or injury purposely self inflicted or caused by any wilful misconduct; (b) Sickness or disability sustained while on leave of absence, other than his or her regular vacation.

6. If absence from duty by reason of sickness extends beyond a period of one week, the salary or wages as provided above shall be paid only upon filing with the city manager, and a copy thereof with the head of the employee's department, a certificate of disability by a regular licensed and practising physician whose certificate will be honored by the city health officer. If such absence is continuing, such salary or wages will be discontinued unless a weekly report from such physician showing the continuing disability shall be filed with the city manager. If such absence from duty by reason of sickness or injury is for a period of less than one week, the city manager may require a certificate of disability as above provided prior to allowance of sick leave compensation.

7. The person or body appointing any officer or employee of the city shall allow such officer or employee full pay for a period of sixty (60) days of each year for absence on account of disability occasioned or injury received while in the discharge of his or her duties as an officer or employee of said city; provided further, that disability pay in excess of sixty days in any year shall be at the rate of pay fixed by the workmen's compensation act of the state of California; and provided, further, that pay for any such case of disability or injury received in line of duty is subject to review by the city council and such further compensation may be awarded as the merit of the case required and the city council determines by resolution.